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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,779	06/20/2001	Ronald P. Doyle	RSW920010044US1	3682

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07/14/2004

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EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,779

Applicant(s)

DOYLE ET AL.

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-19,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 3,11,20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 4/2/04. Claims 1-22 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2,4,9-10,12,15-16, and 22, are rejected under 35 U.S.C.103(a) as being unpatentable over Bork et al. (6,246,376) in view of Husher (5,068,654).

As per claims 1, and 22, Bork et al. disclose a method of providing enhanced safety among a plurality of hunters hunting in a particular locale, comprising steps: providing a wireless communication system covering locale (see column 1, lines 7-10), providing each hunter with an electronic device adapted to determine its location and orientation, transmits its location information through wireless communication system (see the abstract; columns 1-2, lines 30-3; column 3, lines 48-63; and columns 4-5, lines 28-12), receive location information of other devices in locale, determine the location of other devices in locale relative to its own location and orientation, and indicate if an unsafe condition exists (see column 3, lines 44-47; and column 5, lines 49-67). Bork et al. do not disclose unsafe condition comprising another devices being in certain direction. However, Husher discloses unsafe condition comprising another devices being in a certain direction of device relative to orientation of device (see column 3, lines 32-35, lines

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44-49; column 5, lines 2-3; lines 41-42; column 6, line 37), and indicating unsafe condition if other device also is within a certain distance of device (see column 3, lines 32-35; and line 51; column 5, lines 2-5). It is obvious that distance, location, heading, direction, and relative velocity determine a certain direction and certain distance relative to orientation of device. Also, it is obvious that two electronic devices can be designed or programmed in different ways for purpose of providing an alert depending on purpose of use, for example, the devices can be programmed to provide alert when objects too far each other (in Bork et al. reference) for tracking each other to prevent objects being lost (Bork et al., column 5, lines 65-67); also, the devices can be programmed to provide alert when objects too close each other to prevent objects from striking each other (Husher reference as cited above). Bork et al. do not disclose hunting. However, Bork et al. disclose more than two devices can be used to implement a communication network (such as a family unit or team having more than two members) (column 5, lines 49-67), and also a cell phone equipped with "Bluetooth" features and having an integral compass and GPS will be useful as a navigation aid for hiking and traveling (columns 6-7, lines 65-1). Therefore, it is obvious that Bork et al. system can be use in hunting environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al. by combining detect an unsafe condition being within a certain distance and in certain direction of device to early detect a dangerous proximity of collision of devices for providing safety and assisting the operators in avoiding collisions as effectively as possible.

As per claim 2, Bork et al. disclose providing each device with an electronic compass to determine orientation of device, device adapted to combine orientation and location information

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to determine the distance and direction of other devices relative to device (see columns 4-5, lines 54-12; and columns 6-7, lines 39-6).

As per claim 4, Bork et al. disclose providing a peer-to-peer wireless transceiver in each device (see column 2, lines 19-38; and column 3, lines 24-48).

Claims 9-10, are i apparatus claims corresponding to method claims 1-2 above.

Therefore, they are rejected for the same rationales set forth as above.

As per claim 12, Bork et al. disclose electronic device adapted to determine location comprises GPS receiver (see columns 2-3, lines 39-10).

As per claims 15-16, Bork et al. disclose a warning device for indicating unsafe condition, and warning device is an audio device for generating an audible signal (see columns 6-7, lines 39-6).

4. Claims 5-7,13-14, and 17-18, are rejected under 35 U.S.C.103(a) as being unpatentable over Bork et al. (6,246,376), and Husher (5,068,654) as applied to claim 2 above, and further in view of Jacobsen et al. (6,198,394).

As per claim 5, Bork et al., and Husher do not disclose a central processing device remote from electronic devices. However, Jacobsen et al. disclose providing a central processing device remote from electronic devices, and wirelessly receiving at central processing device location information transmitted by devices in locale (see column 3, lines 35-50; column 4, lines 8-39; and column 7, lines 35-55), processing at central processing device location information of devices to generate a report of the location of device in locale (see columns 4-5, lines 40-6; and columns 15-16, lines 36-45), and wirelessly transmitting report from central processing device to devices in locale (see column 4, lines 2-7). It would have been obvious to one of ordinary skill

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in the art at the time the invention was made to modify the teach of Bork et al., and Husher by combining providing a central processing device remote from electronic devices, and wirelessly receiving at central processing device location information transmitted by devices in locale, processing at central processing device location information of devices to generate a report of the location of device in locale, and wirelessly transmitting report from central processing device to devices in locale in order to keep track of every individual carrying the devices therefore be able to retrace the path of individual device in case of emergency.

As per claim 6, Bork et al., and Husher do not disclose providing at least one communication base station. However, Jacobsen et al. disclose providing at least one communication base station comprising an antenna and a transceiver for transferring location data and report between device and central processing device (see column 14, lines 11-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al., and Husher by combining providing at least one communication base station comprising an antenna and a transceiver for transferring location data and report between device and central processing device to be able to communicate with an individual in an unsafe condition, and the base station able to initiate timely rescue response without delay.

As per claim 7, Bork et al., and Husher do not disclose a third party wireless communication. However, Jacobsen et al. disclose utilizing a third party wireless communication system for transferring location data and report between devices and central processing device (see column 14, lines 12-49; and column 7, lines 35-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al., and Husher by combining utilizing a third party wireless communication system

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for transferring location data and report between devices and central processing device for monitoring individual device to accurate determination of immediate care for those who needed.

Claims 13-14 are apparatus claims corresponding to method claims 4, and 6 above.

Therefore, they are rejected for the same rationales set forth as above.

As per claims 17-18, Bork et al., and Husher do not disclose an LCD display screen. However, Jacobsen et al. disclose warning device is an LCD display screen (see column 9, lines 20-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al. by combining a warning device is an LCD display screen for accurately to quick locate an injured person, and enables medical staff to quickly locate and provide immediate care.

5. Claims 8, and 19, are rejected under 35 U.S.C.103(a) as being unpatentable over Bork et al. (6,246,376), Husher (5,068,654), and Jacobsen et al. (6,198,394) as applied to claims 5 and 18 above, and further in view of Dymek et al. (6,268,798).

As per claim 8, Bork et al., Husher, and Jacobsen et al. do not disclose a hunting ground. However, Bork et al. disclose the device can use in a team (column 5, lines 49-53), and can be used as a navigation aid for hiking and traveling. Therefore, it is obvious that the device can be used in hunting ground environment. It also obvious that devices to enhance safety of moving objects can applied to different fields of use as it is obvious in ('798), that the device can be used in a team operated as firefighter unit (columns 1-2, lines 50-8), and soldier unit ('394) (columns 3-4, lines 35-39). Therefore, can be used in hunting environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of

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Bork et al., Husher, and Jacobsen et al. by combining providing a hunting ground within each device can operate for communication between different type of environment of monitoring among each individuals.

As per claim 19, Dymek et al. disclose a light is illuminated when an unsafe condition is detected (see the abstract; and columns 2-3, lines 64-22).

6. Claim 21, is rejected under 35 U.S.C.103(a) as being unpatentable over Bork et al. (6,246,376), and Husher (5,068,654) as applied to claim 9 above, and further in view of Pearce (5,754,125).

As per claim 21, Bork et al., and Husher, do not disclose transmitter transmit location information only if apparatus has moved more than a predetermined distance. However, Pearce discloses transmitter transmit location information only if apparatus has moved more than a predetermined distance since the last time the apparatus transmitted its location information (see the abstract; column 2, lines 8-17; and column 3, lines 31-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al., and Husher by combining transmit location information only if apparatus has moved more than a predetermined distance since the last time the apparatus transmitted its location information to provide exactly current position of devices, and update new position of device.

7. Claims 3,11, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Remarks

8. Applicant's argument filed on 4/2/04 have been fully considered but they are not deemed to be persuasive.

9. Applicant's argue on page 9, the last paragraph that Husher operates on a completely different paradigm than the present invention and the Bork reference. In reviewing Husher references, in column 2, lines 5-7, and lines 11-15. Husher reference discloses transponder module for transmitting and receiving data from other equipped vehicles. It is obvious this is a wireless transmit and receive communication between devices. Also, Husher indication of distance and direction relative to the two devices in communication with one another (column 3, line 15, line 18), and issue a warning to indicate an unsafe condition exists (column 3, lines 32-35; and column 6, lines 34-47). Bork disclose wireless communication, an indication of distance and direction relative to the two devices, and provide with an alert in a certain condition of distance (column 3, lines 44-46). Therefore, it is proper to combine Bork and Husher reference because both references disclose wireless transmit and receive communication between devices, and indication of distance and direction relative to the two devices as in independent claims 1, and 9 of the invention. The reason for combining Husher reference is to provide an alert when objects in a certain direction and in a certain distance (too close to each other, column 3, line 51). Therefore, is it a suggestion in the prior art to combine that feature of Husher with Bork is depending on a purpose of use, the electronic devices can be programmed to provide an alert when two devices are too close each other to prevent a dangerous proximity of colliding each other.

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Also, applicant's argue on page 11, that whether Husher issues a warning signal when another transponder is within a certain distance and in a certain direction. Husher does disclose distance, direction for hazards (column 3, line 32, and lines 44-49), and a warning is given as the severity of a hazard increases (column 3, lines 34-35, lines 47-56; and column 6, lines 34-47), and the vehicles equipped with devices are in motion relative to each other (column 5, lines 41-42); it is obvious that the direction, heading, and relative velocity determine the certain direction relative to orientation of device.

Examiner maintains that all the references cited meet the language of the claims invention. Therefore, the rejection under 35 U.S.C.103(a) are considered to be proper.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

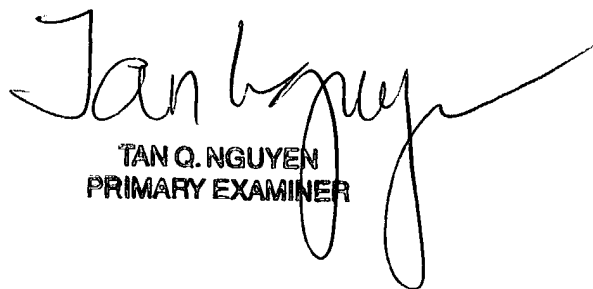
A shorten statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TAN Q. NGUYEN
PRIMARY EXAMINER

/dt
July 8, 2004